

MARK W. HITCHINS et. al.
Serial No.: 09/436,612

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REMARKS

Claims 1, 5-11, 15-19 and 21 remain before the Examiner for reconsideration. Claims 2-4, 12-14 and 10 were previously canceled without prejudice.

In the Office Action dated January 24, 2005, the Examiner rejected Claims 1, 5-11, 15-19, and 21 under the judicially created doctrine of obviousness-type double patenting "as being unpatentable over claims 1-16 of U.S. Patent No. 6,017,330". Specifically the Examiner asserted that: "although the conflicting claims are not identical, they are not patentably distinct from each other."

Applicants submit herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection over a "Prior" Patent and authorize the United States Patent and Trademark Office to charge the appropriate fee in connection with the enclosed Terminal Disclaimer to Deposit Account No. 02-1065. A duplicate copy of this Response and the accompanying Terminal Disclaimer is transmitted herewith. The submission of the Terminal Disclaimer is not an admission of the propriety of the Examiner's double patent rejection.

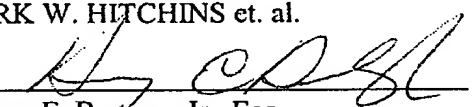
In light of the response, Applicants respectfully requests that the Examiner indicate the allowability of the claims and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,

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By


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